

ZIILABS INC., LTD.,  
Plaintiff,  
v.  
SAMSUNG ELECTRONICS CO. LTD.;  
SAMSUNG ELECTRONICS AMERICA, INC.;  
SAMSUNG TELECOMMUNICATIONS,  
AMERICA, LLC; SAMSUNG AUSTIN  
SEMICONDUCTOR, LLC; and APPLE INC.  
Defendants.

TO: The Supreme Court of Western Australia

And whereas it has been represented to this Court that it is necessary for the purposes of justice and for the due determination of the issues in dispute between the parties in the above referenced proceedings that Jeffrey J. Holt of 1 Carramar Drive, Kalmunda, Western Australia 6076, 08 9450-6414 appear for examination.

The undersigned as a United States District Judge of the United States District Court for the Eastern District of Texas (located at 100 East Houston Street, Marshall, Texas 75670, USA

and with phone number (903) 935-3868), hereby issues this Letter of Request for judicial assistance to the Competent Authority of Australia in accordance with the Hague Convention of March 18, 1970, on the Taking of Evidence Abroad in Civil or Commercial Matters,<sup>1</sup> as follows:

- |           |   |
|-----------|---|
| 1. Sender | The Honorable Roy Payne<br>United States District Court of the Eastern District of Texas<br>Sam B. Hall, Jr. Federal Building and United States<br>Courthouse<br>100 East Houston Street<br>Marshall, Texas 75670 |
|-----------|---|
  
- |  |   |
|--|---|
| 2. Central Authority of<br>the Requested State | The Competent Judicial Authority of the Supreme Court of<br>Western Australia<br><br>The Supreme Court of Western Australia<br>Stirling Gardens<br>Barrack Street<br>Perth 6000, Western Australia<br>Australia |
|--|---|
  
- |  |   |
|--|---|
| 3. Person to whom the<br>executed request is to<br>be returned | Marcus E. Sernel, P.C.<br>Kirkland & Ellis LLP<br>300 N. LaSalle Street<br>Chicago, Illinois 60654<br>USA<br>Telephone: (312) 862-2000<br>Facsimile: (312) 862-2200<br>E-mail: <a href="mailto:marc.sernel@kirkland.com">marc.sernel@kirkland.com</a> |
|--|---|
  
- |   |  |
|---|--|
| 4. Specification of the date by which the requesting authority requires receipt of the response<br>to the Letter of Request |  |
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<sup>1</sup> Included as Appendix C to this Letter of Request are a completed Request for Service, blank Certificate, and Summary of Documents to be Served.

Date and Reason for urgency	The Court notes that the claim construction discovery deadline in the existing civil action is January 21, 2015 and requests that the examination occur prior to that date.
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Date and Reason for urgency	As soon as practicable. The Court also notes that the fact discovery deadline is May 6, 2015, and requests that the requested documents and oral examination be provided before that date.
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**IN CONFORMITY WITH ARTICLE 3 OF THE CONVENTION, THE UNDERSIGNED APPLICANT HAS THE HONOUR TO SUBMIT THE FOLLOWING REQUEST:**

- |      |  |   |
|------|--|---|
| 5. a | Requesting<br>judicial<br>authority<br>(Article 3, a)) | <p>United States District Court of the Eastern District of Texas<br/>Sam B. Hall, Jr. Federal Building and United States Courthouse<br/>100 East Houston Street<br/>Marshall, Texas 75670<br/>U.S.A.</p> <p>Telephone: (903) 935-3868<br/>Facsimile: (903) 935-2295</p> |
| b    | To the<br>competent<br>authority of<br>(Article 3, a)) | <p>The Competent Judicial Authority of the Supreme Court of<br/>Western Australia</p> <p>The Supreme Court of Western Australia<br/>Stirling Gardens<br/>Barrack Street<br/>Perth 6000, Western Australia<br/>Australia</p>   |
| c    | Names of the<br>case and any<br>identifying<br>number  | <p><i>ZiiLabs Inc., Ltd. v. Samsung Electronics Co. Ltd. et al.</i>, Case No.<br/>2:14-cv-00203-JRG-RSP, United States District Court for the<br/>Eastern District of Texas</p>   |
6. Names and addresses of the parties and their representatives (including representatives in the requested State) (Article 3, b)
- |   |           |                    |
|---|-----------|--------------------|
| a | Plaintiff | ZiiLabs Inc., Ltd. |
|---|-----------|--------------------|

	Representative	Susman Godfrey L.L.P. 100 Louisiana Street, Suite 5100 Houston, TX 77002
b	Defendant(s)	Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC
	Representative	Brian Berliner O'Melveny & Myers LLP 400 South Hope Street 18th Floor Los Angeles, CA 90071
	Defendant(s)	Apple Inc.
	Representative	Marcus E. Sernel, P.C. Kirkland & Ellis LLP 300 N. LaSalle Street Chicago, Illinois 60654 USA
c	Other parties	Not applicable
	Representative	Not applicable
7.	a	<p>Nature of the proceedings (divorce, paternity, breach of contract, product liability, etc.) (Article 3, c))</p> <p>This legal dispute is an existing civil action that commenced on March 10, 2014. On that date, ZiiLabs Inc., Ltd. ("ZiiLabs") filed a complaint in this Court, the United States District Court for the Eastern District of Texas, alleging infringement of a number of United States patents, including United States Patent No. 5,831,637 ("the '637 patent"), by Defendants.</p> <p>In its Second Amended Complaint filed on June 4, 2014, ZiiLabs alleges that it is the assignee and owner of the '637 patent. ZiiLabs also alleges that Defendants infringe the '637 patent through the manufacture, use, sale, importation, and/or offer to sell various products, including phones, tablets, and computers. ZiiLabs further alleges that this infringement is willful.</p> <p>Defendants respectfully request permission to take the oral examination of Jeffrey J. Holt. Mr. Holt is a named inventor of</p>

the '637 patent. Defendants seek the oral testimony of Mr. Holt to obtain evidence that is anticipated to be used at trial.

To the extent allowed under Australian law and practice, the examination will be taken under oath, with direct questioning from Defendants' attorneys – as well as the possibility for cross examination by ZiiLabs' attorneys, and re-direct questioning by Defendants' attorneys, if necessary, as is common in the United States – concerning subject matter related to the '637 patent.

Accordingly, this Court respectfully requests that:

- (i) Mr. Holt be caused to provide oral testimony to be preserved for use at trial in this action on the topics set forth in the attached Appendix A; and
- (ii) Mr. Holt be caused to provide documents in his possession, custody, or control on the topics as set forth in Appendix B.

- |  |  |
|--|--|
| 8. a Evidence to be obtained or other judicial act to be performed (Article 3, d)) | The evidence requested herein consists of documents and testimony from Jeffrey J. Holt relating to the '637 patent. Defendants anticipate that this evidence will be used at trial.  |
| b Purpose of the evidence or judicial act sought                                   | The testimonial evidence sought from Mr. Holt will be covered by the Protective Order in this action, and it is anticipated that this evidence will be used at trial. Mr. Holt is a named inventor of the '637 patent, and his testimony will be used to demonstrate that the '637 patent was not infringed by Defendants, is invalid or unenforceable, and/or any alleged damages are limited or not appropriate. |
| 9. Identity and address of any person to be examined (Article 3, e))               | Jeffrey J. Holt<br>1 Carramar Drive<br>Kalmunda, Western Australia 6076<br>08 9450-6414  |
| 10. Questions to be put to the persons to be examined or                           | Defendants seek testimonial evidence from Mr. Holt concerning the subject matter listed in Appendix A.   |

statement of the  
subject-matter  
about which they  
are to be examined  
(Article 3, f))

11. Documents or  
other property to  
be inspected  
(Article 3, g))

Mr. Holt will also be asked to produce the documents listed in  
Appendix B.

12. Any requirement  
that the evidence  
be given on oath or  
affirmation and  
any special form to  
be used (Article 3,  
h))

It is requested that Mr. Holt, be placed under oath or affirmation.  
The oath or affirmation should state: "I swear or affirm that the  
testimony that I will give will be the truth, the whole truth, and  
nothing but the truth."

13. Special methods or  
procedure to be  
followed (e.g. oral  
or in writing,  
verbatim,  
transcript or  
summary, cross-  
examination, etc.)  
(Articles 3, i) and  
9)

The Court has been informed that Defendants request that the  
examination be conducted by Defendants' attorneys, with the  
possibility of cross-examinations being conducted by one of  
ZiiLab's attorneys, along with the possibility of re-direct and re-  
cross examinations, if necessary.

The Court also notes that Defendants request that a verbatim  
transcript of the examination be transcribed by a court reporter  
that will be provided by Defendants. Defendants also request that  
the testimony be videotaped.

In the event that the evidence cannot be taken in the requested  
manner, the Court requests that it be taken in such manner as  
provided by local law for the formal taking of evidence, including  
a transcription or recording in full of the questions asked and  
answers provided.

14. Request for  
notification of the  
time and place for  
the execution of  
the Request and  
identity and  
address of any  
person to be

Please notify:

Marcus E. Sernel, P.C.  
Kirkland & Ellis LLP  
300 N. LaSalle Street  
Chicago, Illinois 60654  
USA  
Telephone: (312) 862-2000

notified (Article 7)

Facsimile: (312) 862-2200

E-mail: marc.sernel@kirkland.com

15. Request for attendance or participation of judicial personnel of the requesting authority at the execution of the Letter of Request (Article 8)

Defendants request that counsel for Plaintiff and Defendants, and/or local counsel based in Australia, be allowed to attend and participate in the examination.
16. Specification of privilege or duty to refuse to give evidence under the law of the State of origin (Article 11, b))

  1. Under the laws of the United States, a witness has a privilege to refuse to give evidence if the evidence discloses a confidential communication between that witness and an attorney for that witness that was made for the purpose of obtaining legal advice.
  2. United States law also recognizes a privilege against criminal self-incrimination.
  3. Outside the strict area of privilege, certain limited immunities are available that may place restriction on the giving of evidence, such as the limited protection of documents created as the work product of attorneys during or in anticipation of litigation.
17. The fees and costs incurred which are reimbursable under the second paragraph of Article 14 or under Article 26 of the Convention will be borne by

Defendants.

**SIGNED this 15th day of December, 2014.**

  
\_\_\_\_\_  
ROY S. PAYNE  
UNITED STATES MAGISTRATE JUDGE



## **APPENDIX A**

Defendants intend to question Mr. Holt regarding the subject-matter listed below. In this listing, “ZiiLabs” refers to the Plaintiff ZiiLabs as well as its corporate predecessors or related entities, including 3DLabs, Dupont Pixel Systems, Creative Labs, and Creative Technology.

- a. introductory questions relating to the witness’s education and experience, how the witness prepared for the examination, and the witness’s duties and responsibilities while employed at Intergraph;
- b. the witness’s role in, and knowledge of, the development of the technologies described in the ’637 patent, such as initial conception, reduction to practice, design, development, manufacturing, programming, prototyping, and testing activities;
- c. the witness’s understanding of the subject matter described in the ’637 patent, including any teaching of the ’637 patent that is alleged to be novel or non-obvious over existing technologies at the time the ’637 patent was filed;
- d. the witness’s knowledge of the prior art to the ’637 patent;
- e. patent office proceedings involving the ’637 patent, including its prosecution before the U.S. Patent & Trademark Office or any foreign patent office;
- f. the witness’s ownership, interest, rights, or shares in the ’637 Patent or related patents, the outcome of any litigation concerning the ’637 Patent, and any entity that holds or has held any ownership, interest, rights, or shares in the ’637 Patent or ZiiLabs;
- g. contracts, agreements, licenses, or assignments involving the witness, on the one hand, and the other named inventors of the ’637 patent, Intergraph Corporation, ZiiLabs, Bromberg & Sunstein LLP or any other firm involved in the prosecution of the ’637 patent, and/or Susman Godfrey LLP, on the other hand;
- h. payments or monetary transfers concerning or relating to the ’637 patent, the alleged invention of the ’637 patent, or litigation or reexamination or other patent office proceeding relating to the ’637 Patent;
- i. assertions of infringement, non-infringement, validity, invalidity, enforceability, or unenforceability concerning any the ’637 patent claims;
- j. licenses or attempts to license the ’637 Patent; contracts, agreements, licenses, or assignments concerning the ’637 Patent or any of the alleged inventions of the ’637 Patent;
- k. valuation of the ’637 Patent or the alleged inventions of the ’637 patent.
- l. the subject matter, authenticity, and dates of documents produced pursuant to paragraph 11 and Appendix B of this Letter of Request.

## **APPENDIX B**

Defendants request the documents listed below. In this listing, “ZiiLabs” refers to the Plaintiff ZiiLabs as well as its corporate predecessors or related entities, including 3DLabs, Dupont Pixel Systems, Creative Labs, and Creative Technology.

- a. the witness’s notes, drawings, laboratory notebooks, or other documentation related to the initial conception, reduction to practice, design, development, and testing of the subject matter of the ’637 patent;
- b. documents identifying dates of first public release or offer for sale in the U.S. of the technology claimed in the ’637 patent;
- c. communications concerning the ’637 patent, the alleged inventions of the ’637 patent, or litigation or prosecution proceedings relating to the ’637 patent;
- d. business plans and proposals for the technology of the ’637 Patent, including documents describing efforts to license, buy, sell, assign, or transfer any right or interest in the ’637 patent;
- e. documents describing Intergraph’s or ZiiLabs’ invention and licensing policies;
- f. documents describing the witness’s current or past ownership, interest, rights, or shares in the Asserted Patent(s) and the outcome of any litigation concerning the Asserted Patent(s);
- g. any sworn statements that the witness has submitted as part of a litigation or patent office proceeding concerning the subject matter of the ’637 patent.

## **APPENDIX C**

# REQUEST FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS

## DEMANDE AUX FINS DE SIGNIFICATION OU DE NOTIFICATION A L'ÉTRANGER D'UN ACTE JUDICIAIRE OU EXTRAJUDICIAIRE

### Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, signed at The Hague, the 15th of November 1965.

Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en  
matière civile ou commerciale, signée à La Haye le 15 novembre 1965.

<b>Identity and address of the applicant</b> Identité et adresse du requérant <u>The Honorable Roy Payne</u> <u>United States District Court of the Eastern District of</u> <u>Texas</u> <u>Sam B. Hall, Jr. Federal Building and United States</u> <u>Courthouse</u> <u>100 East Houston Street</u> <u>Marshall, Texas 75670</u>	<b>Address of receiving authority</b> Adresse de l'autorité destinataire <u>The Competent Judicial Authority of the Supreme Court</u> <u>of Western Australia</u> <u>The Supreme Court of Western Australia</u> <u>Stirling Gardens</u> <u>Barrack Street</u> <u>Perth 6000, Western Australia</u> <u>Australia</u>
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**The undersigned applicant has the honour to transmit – in duplicate – the documents listed below and, in conformity with Article 5 of the above-mentioned Convention, requests prompt service of one copy thereof on the addressee, i.e.:**

Le requérant soussigné a l'honneur de faire parvenir – en double exemplaire – à l'autorité destinataire les documents ci-dessous énumérés, en la priant, conformément à l'article 5 de la Convention précitée, d'en faire remettre sans retard un exemplaire au destinataire, à savoir :

<b>(identity and address)</b> (identité et adresse) <u>Jeffrey J. Holt</u> <u>1 Carramar Drive</u> <u>Kalmunda, Western Australia 6076</u> <u>08 9450-6414</u>
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<input checked="" type="checkbox"/>	a) <b>in accordance with the provisions of sub-paragraph a) of the first paragraph of Article 5 of the Convention*</b> selon les formes légales (article 5, alinéa premier, lettre a)*
<input type="checkbox"/>	b) <b>in accordance with the following particular method (sub-paragraph b) of the first paragraph of Article 5)*:</b> selon la forme particulière suivante (article 5, alinéa premier, lettre b)* : _____
<input type="checkbox"/>	c) <b>by delivery to the addressee, if he accepts it voluntarily (second paragraph of Article 5)*</b> le cas échéant, par remise simple (article 5, alinéa 2)*

**The authority is requested to return or to have returned to the applicant a copy of the documents - and of the annexes\* - with the attached certificate.**

Cette autorité est priée de renvoyer ou de faire renvoyer au requérant un exemplaire de l'acte - et de ses annexes\* - avec l'attestation ci-jointe.

#### **List of documents / Énumération des pièces**

<ul style="list-style-type: none"> <li>• <u>Letter of Request for the Taking of Evidence</u></li> <li>• _____</li> </ul>
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\* if appropriate / s'il y a lieu

<b>Done at / Fait à _____,</b>  <b>The / le _____</b>	<b>Signature and/or stamp</b> Signature et / ou cachet
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# CERTIFICATE

## ATTESTATION

The undersigned authority has the honour to certify, in conformity with Article 6 of the Convention,  
L'autorité soussignée a l'honneur d'attester conformément à l'article 6 de ladite Convention,

- ☐ **1. that the document has been served\***  
que la demande a été exécutée\*

– the (date) / le (date):	_____
– at (place, street, number): à (localité, rue, numéro) :	_____

– in one of the following methods authorised by Article 5: dans une des formes suivantes prévues à l'article 5 :	
<input type="checkbox"/>	a) <b>in accordance with the provisions of sub-paragraph a) of the first paragraph of Article 5 of the Convention*</b> selon les formes légales (article 5, alinéa premier, lettre a)*
<input type="checkbox"/>	b) <b>in accordance with the following particular method*:</b> selon la forme particulière suivante* : _____
<input type="checkbox"/>	c) <b>by delivery to the addressee, if he accepts it voluntarily*</b> par remise simple*

The documents referred to in the request have been delivered to:

Les documents mentionnés dans la demande ont été remis à :

<b>Identity and description of person:</b> Identité et qualité de la personne :	_____
<b>Relationship to the addressee (family, business or other):</b> Liens de parenté, de subordination ou autres, avec le destinataire de l'acte :	_____

- ☐ **2. that the document has not been served, by reason of the following facts\*:**  
que la demande n'a pas été exécutée, en raison des faits suivants\*:

_____
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- ☐ **In conformity with the second paragraph of Article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement\*.**  
Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au mémoire ci-joint\*.

### Annexes / Annexes

<b>Documents returned:</b> Pièces renvoyées :	_____
<b>In appropriate cases, documents establishing the service:</b> Le cas échéant, les documents justificatifs de l'exécution :	_____

\* if appropriate / s'il y a lieu

<b>Done at / Fait à</b> _____ <b>The / le</b> _____	<b>Signature and/or stamp</b> Signature et / ou cachet
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## WARNING

### AVERTISSEMENT

**Identity and address of the addressee**

Identité et adresse du destinataire

Jeffrey J. Holt

1 Carramar Drive

Kalmunda, Western Australia 6076

08 9450-6414

**IMPORTANT**

**THE ENCLOSED DOCUMENT IS OF A LEGAL NATURE AND MAY AFFECT YOUR RIGHTS AND OBLIGATIONS. THE 'SUMMARY OF THE DOCUMENT TO BE SERVED' WILL GIVE YOU SOME INFORMATION ABOUT ITS NATURE AND PURPOSE. YOU SHOULD HOWEVER READ THE DOCUMENT ITSELF CAREFULLY. IT MAY BE NECESSARY TO SEEK LEGAL ADVICE.**

**IF YOUR FINANCIAL RESOURCES ARE INSUFFICIENT YOU SHOULD SEEK INFORMATION ON THE POSSIBILITY OF OBTAINING LEGAL AID OR ADVICE EITHER IN THE COUNTRY WHERE YOU LIVE OR IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED.**

**ENQUIRIES ABOUT THE AVAILABILITY OF LEGAL AID OR ADVICE IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED MAY BE DIRECTED TO:**

**TRÈS IMPORTANT**

LE DOCUMENT CI-JOINT EST DE NATURE JURIDIQUE ET PEUT AFFECTER VOS DROITS ET OBLIGATIONS. LES « ÉLÉMENTS ESSENTIELS DE L'ACTE » VOUS DONNENT QUELQUES INFORMATIONS SUR SA NATURE ET SON OBJET. IL EST TOUTEFOIS INDISPENSABLE DE LIRE ATTENTIVEMENT LE TEXTE MÊME DU DOCUMENT. IL PEUT ÊTRE NÉCESSAIRE DE DEMANDER UN AVIS JURIDIQUE.

SI VOS RESSOURCES SONT INSUFFISANTES, RENSEIGNEZ-VOUS SUR LA POSSIBILITÉ D'OBTENIR L'ASSISTANCE JUDICIAIRE ET LA CONSULTATION JURIDIQUE, SOIT DANS VOTRE PAYS, SOIT DANS LE PAYS D'ORIGINE DU DOCUMENT.

LES DEMANDES DE RENSEIGNEMENTS SUR LES POSSIBILITÉS D'OBTENIR L'ASSISTANCE JUDICIAIRE OU LA CONSULTATION JURIDIQUE DANS LE PAYS D'ORIGINE DU DOCUMENT PEUVENT ÊTRE ADRESSÉES À :

\_\_\_\_\_

**It is recommended that the standard terms in the notice be written in English and French and where appropriate also in the official language, or in one of the official languages of the State in which the document originated. The blanks could be completed either in the language of the State to which the document is to be sent, or in English or French.**

Il est recommandé que les mentions imprimées dans cette note soient rédigées en langue française et en langue anglaise et le cas échéant, en outre, dans la langue ou l'une des langues officielles de l'État d'origine de l'acte. Les blancs pourraient être remplis, soit dans la langue de l'État où le document doit être adressé, soit en langue française, soit en langue anglaise.

# SUMMARY OF THE DOCUMENT TO BE SERVED

## ÉLÉMENTS ESSENTIELS DE L'ACTE

### Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, signed at The Hague, the 15th of November 1965 (Article 5, fourth paragraph).

Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en matière civile ou commerciale, signée à La Haye le 15 novembre 1965 (article 5, alinéa 4).

<b>Name and address of the requesting authority:</b> Nom et adresse de l'autorité requérante :	<u>The Honorable Roy Payne</u> <u>United States District Court of the Eastern</u> <u>District of Texas</u> <u>Sam B. Hall, Jr. Federal Building and United</u> <u>States Courthouse</u> <u>100 East Houston Street</u> <u>Marshall, Texas 75670</u>
<b>Particulars of the parties*:</b> Identité des parties* :	<u>ZiiLabs Inc., Ltd.</u>  <u>Susman Godfrey L.L.P.</u> <u>100 Louisiana Street, Suite 5100</u> <u>Houston, TX 77002</u>  <u>Samsung Electronics Co., Ltd., Samsung</u> <u>Electronics America, Inc., and Samsung</u> <u>Telecommunications America, LLC</u>  <u>Brian Berliner</u> <u>O' Melveny &amp; Myers LLP</u> <u>400 South Hope Street</u> <u>18th Floor</u> <u>Los Angeles, CA 90071</u>  <u>Apple Inc.</u>  <u>Marcus E. Sernel, P.C.</u> <u>Kirkland &amp; Ellis LLP</u> <u>300 N. LaSalle Street</u> <u>Chicago, Illinois 60654</u> <u>USA</u>

\* If appropriate, identity and address of the person interested in the transmission of the document  
S'il y a lieu, identité et adresse de la personne intéressée à la transmission de l'acte

☒ **JUDICIAL DOCUMENT\*\***  
ACTE JUDICIAIRE\*\*

<b>Nature and purpose of the document:</b> Nature et objet de l'acte :	<u>Letter of Request and Appendices identifying the documents to be produced and the testimony sought.</u>
<b>Nature and purpose of the proceedings and, when appropriate, the amount in dispute:</b> Nature et objet de l'instance, le cas échéant, le montant du litige :	<u>This legal dispute is an existing civil action that commenced on March 10, 2014. On that date, ZiiLabs Inc., Ltd. ("ZiiLabs") filed a complaint in this Court, the United States District Court for the Eastern District of Texas, alleging infringement of a number of United States patents, including United States Patent No. 5,831,637 ("the '637 patent"), by Defendants. Defendants respectfully request permission to take the oral examination of Jeffrey J. Holt. Defendants understand that a subpoena will be required to obtain this testimony. Defendants seek the oral testimony of Mr. Holt to obtain evidence that is anticipated to be used at trial. Mr. Holt is a named inventor of the '637 Patent. To the extent allowed under Australian law and practice, the examination will be taken under oath, with direct questioning from Defendants' attorneys - as well as the possibility for cross examination by ZiiLabs' attorneys, and re-direct questioning by Defendants' attorneys, if necessary, as is common in the United States - concerning subject matter related to the '637 Patent.</u>
<b>Date and Place for entering appearance**:</b> Date et lieu de la comparution** :	_____
<b>Court which has given judgment**:</b> Jurisdiction qui a rendu la décision** :	<u>NA</u>
<b>Date of judgment**:</b> Date de la décision** :	<u>NA</u>
<b>Time limits stated in the document**:</b> Indication des délais figurant dans l'acte** :	<u>Examination to occur prior to January 21, 2015.</u>

\*\* if appropriate / s'il y a lieu

☐ **EXTRAJUDICIAL DOCUMENT\*\***  
 ACTE EXTRAJUDICIAIRE\*\*

<b>Nature and purpose of the document:</b> Nature et objet de l'acte :	_____
<b>Time-limits stated in the document**:</b> Indication des délais figurant dans l'acte** :	_____

\*\* if appropriate / s'il y a lieu